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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,862

02/20/2004

Kevin Ellis

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32361 7590 02/05/2007
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EXAMINER

MAHMOUDI, HASSAN

ART UNIT

PAPER NUMBER

2165

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/783,862

Applicant(s)

ELLIS ET AL.

Examiner

Tony Mahmoudi

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-22 and 27 is/are allowed.
- 6) ☐ Claim(s) 1-11, 23-26 and 28-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications filed on 20-November-2006, claims 1, 7, 12, and 23 are amended, and new claims 28-31 are added per applicant's request. Therefore, claims 1-31 are presently pending in the application, of which, claims 1, 12, 23, and 28-31 are presented in independent form.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Independent claims 1, 23, and 28-31 (and their dependent claims, where applicable) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Amended independent claims 1 and 23 recite, "a search region *for visually displaying* a user's search criteria"; and "a result region *for visually displaying* search results".

Functional limitations following the term *for* are indicative of "intended use" but not necessarily required functionality of the claimed invention. The Examiner cannot clearly establish as to whether the functions of visually displaying a search criteria and search results are indeed required functions of the claims. To overcome this rejection, the above

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independent claims must be amended to recite the functional limitation in a definitive form (e.g., “a search region *which displays* a user’s search criteria”; and “a result region *which displays* search results”).)

Newly added independent claims 28, 29, and 30, each recite, “defining a graphical user interface *for* display at a user computer”. Similar to the above claims, *for display* is not considered a “definitive function”. To overcome this rejection, *for display* in the above claims needs to be changed to a definitive form (e.g., “defining a graphical user interface *to be displayed* at a user computer.”)

Newly added independent claim 31 recites, “at least one processor *operative to*”, which renders the claim indefinite. “Operative to” indicates system ability/capability but not necessarily a required functionality of the claimed invention. While the system of claim 31 is capable of “defining graphical user interfaces and connection indicators”, the functions of “defining” such user interface, and defining the connection indicator do not necessarily have to happen in the claim. To overcome this rejection, the term *operative* needs to be removed from the claim (e.g., “at least one processor *to* define a graphical”).

Appropriate corrections to the above claims are required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Newly added independent claims 28-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Independent claims 28-31 each recite the limitation of “defining” a graphical user interface, and “defining” a connection indicator. The originally filed specification of the instant application does not indicate the function of “defining”. Therefore, the Examiner resorts to the general meaning of the term “defining” as provided in commonly used dictionaries (e.g., Dictionary.com). The term “defining” is equated in the dictionary as “identifying, explaining, or determining”, which as results of the above independent claims, is not considered tangible. To overcome this rejection, the results produced by the above claims (the defined graphical user interface and the defined connection indicator”, need to be displayed to the user in a definitive form (ref. 112/2nd paragraph rejection for these claims for reciting “*for display*”), or presented in other tangible forms (e.g., stored in memory, etc.)

Appropriate corrections are required.

Allowable Subject Matter

6. Claims 12-22 and 27 are allowed over the prior art made of record.

Response to Arguments

7. Applicant's arguments filed on 20-November-2006 with respect to the rejected claims in view of the cited references have been fully considered but they are moot in view of the new grounds for rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146.

tm

December 19, 2006



JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100